

June 30, 2006

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VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Notice, WT Docket No. 06-102

Dear Ms. Dortch:

On Thursday, June 29, 2006, Kurt Schaubach of NextWave Broadband Inc. ("NextWave"), Jennifer Richter of Patton Boggs, LLP and Harold Furchtgott-Roth met with Fred Campbell and Jennifer Holtz of Chairman Martin's office to urge prompt grant of the limited extension of the Wireless Communications Services ("WCS") substantial service deadline requested by the WCS Coalition and WCS Wireless, LLC (collectively, the "Petitioners") in March.¹

The following points were discussed:

- The Petitioners represent all of the WCS licensees nationwide.
- Petitioners are requesting an extension of the WCS substantial service deadline until the *later* of: (1) July 21, 2010; or (2) 3 years from the date the Commission enters an order resolving the DARS terrestrial repeater interference issues in order to ensure that WCS equipment vendors and licensees have sufficient time to develop equipment and deploy services that respond to the interference environment and technical rules that are ultimately adopted.
- The Commission must act quickly on the March extension request. Failure to reach a timely decision, which in NextWave's view can be no later than September of 2006,

¹ See *WCS Coalition Consolidated Request for Limited Extension of Deadline for Establishing WCS Compliance with Section 27.14 Substantial Service Requirement* (filed March 22, 2006) ("WCS Coalition Petition"). See also FCC Public Notice, "Wireless Telecommunications Bureau Seeks Comment On Consolidated Request By The WCS Coalition For Waiver Of Wireless Communications Services (WCS) Construction Rule," DA 06-1009, WT Docket No. 06-102 (rel. May 10, 2006).

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will leave WCS licensees with no choice but to expend significant financial resources on deploying systems that will satisfy substantial service obligations by July of 2007, but will not be viable for sustainable broadband commercial operations. The lost financial investment will be substantial.

- The Commission also must act quickly to adopt final technical rules for WCS that address interference caused by DARS terrestrial repeaters. Adoption of final technical rules is the critical first step for developers of WCS equipment who must have certainty about the technical rules before the first generation of equipment can be developed and made available for trials. The iterative process of developing equipment, field testing, and finalizing optimal designs will take 2-3 years. Thus, timely adoption of technical rules for WCS is absolutely critical if services are to be deployed and substantial service is to be satisfied in 3 years.
- The absence of technical rules governing DARS interference to WCS licensees has made it impossible for equipment manufacturers to finalize equipment designs for the band. Even Navini and Soma who have initial equipment available for the WCS band, and who stand to benefit the most from required deployments at this time, have joined in the request seeking an extension of the deadline. Widespread WCS deployments require standards-based equipment that is built to meet a set of well-defined performance criteria.
- The DARS terrestrial repeater docket has been open since 1997. NextWave only recently acquired WCS spectrum and has opened discussions with DARS licensees to identify possible solutions for the open issues in the proceeding.

Pursuant to Section 1.1206(b) of the Commission's rules, an electronic copy of this letter is being filed with the office of the Secretary. Please contact the undersigned if there are any questions or comments associated with this notice.

Respectfully submitted,

/s/ Jennifer L. Richter

Jennifer L. Richter
Counsel to NextWave Broadband Inc.

cc: Fred Campbell
Jennifer Holtz